



Date: April 21, 2015

To: Thomas J. Bonfield, City Manager
Through: Keith Chadwell, Deputy City Manager
From: Mark D. Ahrendsen, Director, Department of Transportation
Subject: Increase in Civil Penalties for Parking Violations

Executive Summary

This item recommends City Council approval of an Ordinance to Change the Durham, NC Code of Ordinances Section 66-370 Civil Penalties for Parking Violations by generally increasing parking violations categorized in the "Ten Dollar Civil Penalty" from \$10.00 to \$20.00 (a \$10 increase).

This amendment to Section 66-370 of the Durham, NC Code of Ordinances anticipates generating an additional \$120,810.00 in monthly parking violation revenue.

Attached is copy of the current Ordinance of Civil Penalties for Parking Violations (Attachment #1) identifying the violations applied to Section 66-370 of the City Code of Ordinances along with a copy of the proposed Ordinance of Civil Penalties for Parking Violations to be approved amending the civil penalties for parking violations (Attachment #2).

Recommendation

The Department of Transportation recommends that City Council approve an Ordinance to Increase Civil Penalties for Parking Violations, Section 66-370 of the City Code of Ordinances.

Background

The City last amended the Ordinance to make changes in Civil Penalties for Parking Violations on July 19, 1999. The penalty for most offenses listed in Section 20-200(a) was \$5.00 in 1986 and was increased in 1992 to the present \$10.00. City has traditionally designated various time restrictions for its on-street parking spaces in an effort to promote space turnover and provide short-term parking options for visitors. The 2013 Comprehensive Parking Study concluded that "time limits for on-street parking spaces in the Downtown study area were being exceeded by visitors and downtown employees. The on-street parking system should be operated and enforced to encourage high turnover of vehicles, resulting in a lively and business friendly Downtown environment."

In order for on-street parking regulations to be effective, penalties should consider the price for lawful parking. It is a parking industry best practice that if the parking fines are too low, many drivers will prefer to take the chance on receiving a parking ticket rather than pay a higher cost to park in a parking garage and be required to walk a greater distance to their destinations. Many of Durham's parking violation penalties have not been raised since 1992 and no longer serve as an effective deterrent to unlawful parking activity. These penalties are also not reflective of the severity of the problems that illegal parking poses.

Parking regulations are crucial to the daily operation as they serve three important functions. First, they enhance public safety by ensuring that city streets stay accessible for all vehicles, including police cars, fire engines and ambulances. Second, they help to balance the competing curb-space needs of the city's residential and business communities. Third, parking regulations help municipalities decide how to best manage parking assets while enhancing revenue.

Issues and Analysis

As a result of the Study, City staff learned that individuals were parking in time restricted and non-restricted on-street parking spaces, and other areas, including the public-right-of-way for periods up to 8 hours per day, instead of parking in the parking garages or surface parking lots. Further, staff evaluated parking citation issuance patterns and concluded that the \$2 difference between the \$10 parking violation and the cost of the \$8 daily parking rate for the parking garages and lots does not effectively discourage parkers from parking in the on-street parking spaces for long periods of time. The parkers would rather continue paying \$10 parking citations and be able to park closer to their destination(s) rather than pay the \$8 daily rate to park in the parking garages and lots. To this end, the availability of on-street parking spaces is limited and there is not a high turnover of vehicles utilizing the valuable on-street parking spaces.

Further, since 1992, parking demand in Downtown Durham has increased significantly. Individuals are parking illegally and are receiving \$10 civil penalties. As a result, City staff is also proposing to increase all of the other parking violations that are currently issued a \$10 civil penalty to \$20 civil penalties.

The proposed increase is projected to increase parking citation revenue by \$120,810. The increase in civil penalties for parking violations helps achieve the goals and objectives of the City's parking system and reflects the need to bring the parking violation civil penalties in line with other local and regional markets. Staff conducted a comparative analysis of parking violation civil penalties in Durham with other peer municipalities within North Carolina and found that the City of Durham has the lowest rates of all peer cities surveyed. A copy of the analysis can be found as Attachment #3.

Alternatives

1. Increase the "Ten Dollar Civil Penalties for Parking Violations" as recommended, projected to increase annual parking citation revenue by \$120,810.
2. Do not change the Ten Dollar Civil Penalties for Parking Violations at this time.

Financial Impact

The City's parking lots and garages operate as an enterprise. The FY 2015 projected parking citation revenues is \$274,379. The total annual increase in parking citation revenue is estimated to provide an additional \$120,810 in revenue. This additional revenue could be used to pay for improvements to the parking system or to reduce the subsidy.

SDBE Summary

SDBE participation is not an issue that is associated with acceptance and implementation of the civil penalties for parking violation changes.

Attachments

Attachment 1: Current Ordinance Section 66-370
Attachment 2: Copy of Proposed Ordinance, Section 66-370
Attachment 3: Comparative Analysis of Peer Cities